



MIKE GRAVINO, DIRECTOR

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(202) 604-0747

March 29, 2017

Ms. Marlene H. Dortch Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Dear Ms. Dortch:

Michael Gravino, Director of the LPTV Spectrum Rights Coalition, LLC, (the "Coalition"), and the following full power, Class A, and LPTV licensees, owners, and station group executives, had on March 28<sup>th</sup>, 2017, two meetings at the FCC related to LPTV and TV translators:

- Chris Blair, owner, Syncom Media
- Irwin Podhajser, VP, DTV America Corporation
- Ted Pierson, representing New York Broadband, LLC
- Vern Fotheringham, owner, Edge Spectrum, Inc.
- Gary Cocola, owner, Cocola Broadcasting Companies, LLC
- Ravi Kapur, owner, Major Market Broadcasting, Inc.
- Dr. Vince Castelli, owner, Prism TV, Vinions, LLC, and DTV Innovators, LLC
- Ron Bruno, owner, Videohouse
- Gregory Herman, owner, WatchTV Incorporated
- Amy Brown, WatchTV Incorporated

The first meeting was with Media Bureau, OET, and Incentive Auction Task Force staff listed below:

- Gary Epstein, Chair, Incentive Auction Task Force
- Jean Kiddo, Vice Chair, Incentive Auction Task Force
- Rachel Kazan, staff, Incentive Auction Task Force
- Sasha Javid, Chief Data Officer, Incentive Auction Task Force
- Martha Heller, Division Chief, Policy Division, Media Bureau
- Hillary DeNigro, Associate Bureau Chief, Media Bureau
- Evan Baranoff, staff, Media Bureau
- Brendan Murray, staff, Media Bureau
- Steve Brockheart, staff, Media Bureau
- Mark Columbo, staff, OET

- Martin Doczkat, staff, Media Bureau
- Barbara Pavon, staff, OET
- Paul Murray, staff, OET



In this meeting, Coalition Director Mike Gravino requested from the Task Force that all LPTV and TV translator licenses and permit holders be notified of the repacking Transition Phase and PEA they are in. While this is not an auction process requirement, nor a “right” of LPTV and TV translators (actually, all non-eligible entities, including almost 100 operating Class A’s not eligible for the auction), by knowing when the auction eligible entities in your local market “have” to move by, can greatly assist you in planning for when you have to move yourself if displaced. If I know that tower crews are not coming into our market for a year or more, I can more easily plan my own displacement move.

In a similar manner, by knowing which PEA my station is in, and those additional PEA which my signal travels to, well this is essential in knowing by when I need to clear the market and go to my new channel assignment. Don’t forget, while non-eligible entities are not afforded “protection” in the repack, our rules for proper notice do. It would be totally unfair to secondary

license holders and non-eligible auction entities to not be given some sort of heads up about when their local markets will be repacked.

A question was asked about both the distances you could move when filing for a displacement channel. And most importantly, about the frequency of those moves if you are trying to find a similar population coverage pop counts by moving from one market to another.

We urge those in attendance to review this submission in its entirety, as it provides the best overview of the current state of the industry, and the projected auction impacts from displacements.

### **CHAIRMAN PAI MEETING**

The second meeting of the 10 station group owners and representatives was conducted with Chairman Pai, and Alison Nemeth, Media Adviser. The Coalition reminded the Chairman that LPTV are the most deregulated of the broadcast license groups, have no national ownership limits, no cross media ownership restrictions, and only one programming requirement, to provide emergency alert services to our communities of license. And for 30 years now the FCC has encouraged investment and development of LPTV and TV translators.

One key point was presented to sum up what the owners and representatives wanted the Chairman to know: that, LPTV and TV translator viewers are not secondary.



The attached are the materials presented during the meeting. We have also included separately, the 2016 GAO study on the state of our industry, and the potential auction displacement impacts to LPTV and TV translators.

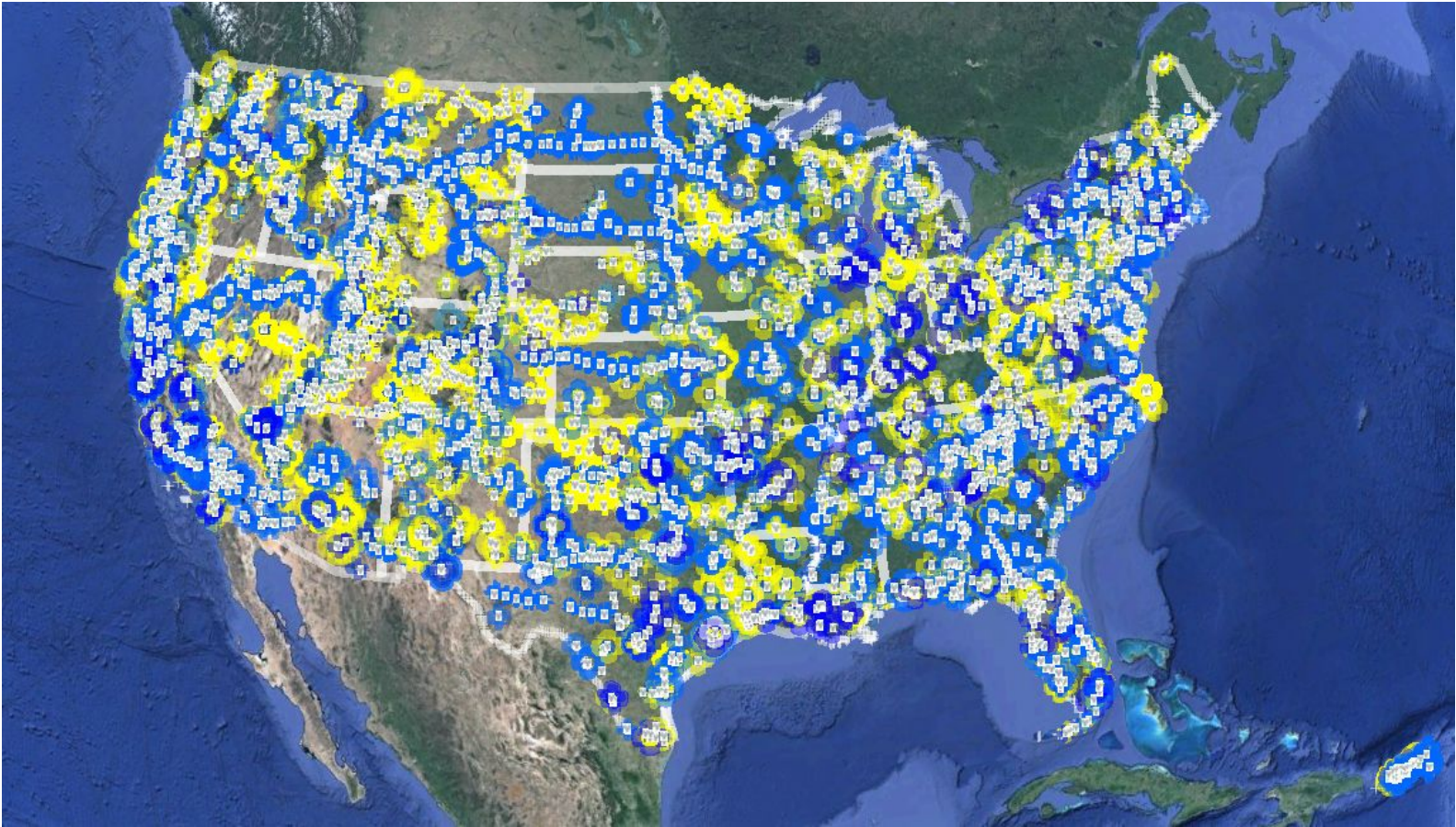
Respectfully submitted,

Mike Gravino, Director  
LPTV Spectrum Rights Coalition  
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**MEETING WITH FCC CHAIRMAN PAI**  
**MARCH 28, 2017**



10,000 CLASS A, LPTV, AND TV TRANSLATOR  
LICENSED BUILT STATIONS, NEW CONSTRUCTION PERMITS, AND PENDING APP'S  
POST AUCTION ESTIMATED TOTAL OF 2 BILLION TV POPS (12 BILLION MHZ POPS)

**OUR VIEWERS  
ARE NOT SECONDARY!**



MIKE GRAVINO, DIRECTOR  
LPTVCOALITION@GMAIL.COM  
(202) 604-0747

March 28, 2017

Chairman Ajit Pai  
Federal Communications Commission  
455 12<sup>th</sup> St, SW  
Washington, DC 20554

Dear Mr. Chairman:

Our Coalition of 100's of Class A, LPTV, and TV translator owners, with literally 1000's of licenses and permits across the country, appreciates this very early opportunity in your role as Chairman.

Our agenda today is a brief presentation on the state of our industry, the anticipated impacts from the incentive auction and repack, and a set on integrated and targeted "asks" which our industry and the communities we serve, could benefit from now, and in the future.

For the majority of the meeting you will hear from many large station group owners, clustered regional groups, and investors in our industry. They represent more than 400 licensed stations, more than 600 construction permits, airing 800 content channels, and more than 500 million TV pops!

In preparation for this meeting, we also talked with over 30 additional small market or single station owners, and large TV translator groups. Many of them, especially the civic owned translator groups not in attendance today requested displacement relocation funding, and for MVPD must carry status. But the assembled major market and station groups here understand the difficulty and complexity of those requests. This is why we are asking for for the FCC to conduct the auction impact research which our industry needs.

I am also encouraging our members to trust that the FCC, under your direction and leadership, will use its discretion to work with Congress to help create a free market for many different LPTV spectrum uses, including flexible uses in digital divide communities.

If we had just one message to give today it would be,

**"Our viewers are not secondary!"**



## **STATE OF THE INDUSTRY**

- > About 10,000 Class A, LPTV, and TV translator licenses, new construction permits, and accepted pending applications, which will transmit from as many as 2267 communities of license.
- > Of these about 5800 are licensed facilities, about 2700 are permits, and about 1300 are accepted applications, plus the remaining Class A's.
- > When fully built out, these 10,000 will reach about 2 billion TV pops (12 billion MHz pops!), with 50% of those in the top 25 markets.
- > Many in the industry are experiencing financial stress due to the long period of uncertainty from the auction/repack, and the anticipated costs of relocation. This includes over 300 civic/ed/gov't groups, which control as many as 3000 LPTV and TV translator licenses and permits.

## **INCENTIVE AUCTION IMPACTS**

- > About 3150 licenses and permits will be displaced from UHF 38-50.
- > About 900-1200 licenses and permits may be displaced from VHF 2 to UHF 36 as a result of the repacking, for a total of about 4000 displacements.
- > GAO estimated between \$50k to \$600k in relocation costs per station, NAB estimated \$390k for a Class A, and the Coalition estimated a blended average of \$150k a station in either rural or urban areas.
- > Total displacement cost total could range from \$100 million to \$1 billion.
- > 5+ years of stalled business plans and build outs while waiting for auction.
- > About 80% of the spectrum sold in the auction was licensed or permitted by LPTV and TV translators. This was the LPTV auction.



## **LPTV & TV TRANSLATOR “ASKS” FROM THE FCC**

### **RESEARCH ASKS**

- > Study the 4000+ auction & repack displacements
- > Study the loss of public service obligations from the auction and repack
- > Study how LPTV spectrum can be repurposed to help solve the digital divide

### **PROCESS ASKS**

- > Continue the sunshine of equal access to FCC rulemakings and decisions
- > Assign all licenses and construction permits to a Transition Phase, and PEA
- > Host an industry webinar before the LPTV displacement filing window
- > Harmonize the CDBS and LMS before the LPTV displacement filing window
- > Increase engineering staff to timely handle our 4000+ displacement app's
- > Timely rule on LPTV and TV translator Next Gen experimental licenses

### **REGULATION ASKS**

- > Maintain LPTV's current “light touch and innovation friendly” regulatory framework within the Next Gen ATSC 3.0 rulemaking
- > Utilize the FCC's discretionary authority to provide service waivers for the use of LPTV spectrum as wireless internet service providers in digital divide counties

### **LEGISLATIVE ASKS**

- > The FCC should ask Congress for a bill rider to open a new, long term Class A window to replenish the loss of the public service obligations from the auction
- > The FCC should ask Congress for a bill rider to allow it to provide flexible use service waivers for LPTV which are in digital divide counties





**COALITION ATTENDEES WITH CHAIRMAN PAI**  
MARCH 28, 2017

<p><b>MIKE GRAVINO</b> Director, LPTV Spectrum Rights Coalition</p>	<p><b>THIS GROUP OF LICENSEES</b> 400+ licensed operating stations 600+ new construction permits 800+ content channels 500+ million TV pops (3 billion MHz pops)</p>
<p><b>CHRIS BLAIR</b> Owner, Syncom Media &amp; DC Broadcasting 6 licensed stations, 4 in Denver, 2 in DC 18 content channels 23 million TV pops</p>	
<p><b>IRWIN PODHAJSER</b> VP for DTV America 51 licensed stations across the country 350+ construction permits 348 content channels++ 145 million+ TV pops</p>	
<p><b>TED PIERSON</b> Representing New York Spectrum Holdings 12 licensed stations in major markets 30+ content channels 105 million TV pops</p>	
<p><b>VERN FORTHINGHAM</b> Owner, Edge Spectrum, Inc. 216 stations &amp; permits (pending) 100+ content channels 106 million TV pops</p>	
<p><b>GARY COCOLA</b> Owner, Cocola Broadcasting, Inc. 2 licensed full powers, 1 Class A, 23 LPTV 80 content channels 8 million TV pops</p>	



**LPTV  
SPECTRUM  
RIGHTS  
COALITION**

<b>RAVI KAPUR</b> Owner, Diya TV 3 stations, full power, Class A, and LPTV Plus national network with 14 affiliates 40 content channels 46 million TV pops	
<b>VINCE CASTELLI</b> Owner, Prism TV, Vinions, DTV Innovators, DNV Spectrum holdings 46 stations & new permits 89+ content channels 59 million TV pops	
<b>RON BRUNO</b> Owner, Videohouse, Inc. 6 Class A's 12 content channels 8 million TV pops	
<b>GREG HERMAN (&amp; AMY BROWN)</b> Owner, WatchTV 14 stations 18 content channels 14 million TV pops	
<b>PETER TANNENWALD</b> Fletcher, Heald & Hildreth	

# LETTERS & MATERIALS FROM ATTENDING LICENSEES

# SYNCOM MEDIA

CHRIS BLAIR  
303-520-9996  
jcblair123@gmail.com

March 28, 2017

Chairman Ajit Pai  
Federal Communications Commission  
455 12<sup>th</sup> St, SW  
Washington, DC 20554

Dear Mr. Chairman,

Syncom Media and DC Broadcasting are the two station groups we are operating in Denver, CO, and Washington, DC. We are a family owned business, and have been in the LPTV industry for almost 20 years. In Denver, we currently operate four LPTV stations including a VHF analog channel-6 station with radio. In DC we operate two stations. Combined we air 18 channels of content, and can be seen by over 23 million TV pops.

The following is a recapping of my comments in the meeting today:

## **Broadband**

I'd like to begin with Broadband as it relates to both non-served and under-served areas. I believe broadband over LPTV could be done with little or no subsidies involved and that LPTV broadband could effectively compete in both urban and rural areas, while addressing the concerns related to non-served and under-served populations. There are ample numbers of LPTV stations available in both urban and rural areas that could be put to use providing broadband services, but flexibility is the key. If possible, filing windows should remain open for the foreseeable future to ensure adequate bandwidth availability.

Pair flexibility with broadband initiatives and the digital divide gets a whole lot smaller. The fact is that the way programming is watched has changed dramatically and the linear TV way of watching shows, etc. is fast becoming a thing of the past. This requires broadcasting to change as well, and with Next Gen TV, broadcasters can be a critical component of content everywhere via ATSC 3.0 broadband.

## **Innovation**

I would urge the FCC to let LPTV be an innovator and take advantage of new technologies. But LPTV can't innovate if we are in the same position we've been in since the digital transition. Investment has dried up in the last ten years and improvements in transmit facilities have stalled completely. It is very important that we keep all the promise of ATSC 3.0 in its proper perspective.



ATSC 1.0 was supposed to create a plethora of new business opportunities that never materialized (due to 1.0 deficiencies); for the most part we have retro-type programming from 20 years ago filling up a large percentage of the digital sub-channels. FCC sponsored innovation and the promise that ATSC 3.0 will afford are needed to nurture these still undefined new business opportunities. Opportunities have to be created and imposing onerous regulations before we have even begun won't help the FCC, TV broadcasters or the American public.

### **Programming Diversity**

In Denver, CO we broadcast in Spanish and English and utilize a VHF channel-6 to transmit on FM 87.7 to serve the large Hispanic community. In DC, we broadcast in English, Korean and Chinese, and in the near future we will be adding religious programming from the African continent and other diverse programming.

The LPTV industry needs ATSC 3.0 to ensure that programming diversity remains available to those that most need it, but what the FCC needs to do is to help LPTV continue to exist so the niche programmers can continue to reach their audience via free OTA TV. Without free OTA LPTV diverse programming will have greatly fewer outlets.

In closing, let me touch on why I think LPTV is the perfect broadcast group for the FCC to nurture. LPTV broadcasters are the only true entrepreneurs left in the broadcast business. It is going to take entrepreneurs to make sure that the possibilities of 3.0 are fully realized, for the consumer, for the broadcast industry and for the FCC itself. What the industry needs is a commitment from the FCC that the LPTV industry continues to exist and is allowed to prosper.

Respectfully,

Chris Blair  
Syncom Media



## OVERVIEW

- **118** TELEVISION MARKETS
  - **400+** STATIONS TO BE BUILT
  - LOCAL PARTNERS & LOCALISM
  - LARGEST MARKET OPERATING - **LOS ANGELES, CA**
  - SMALLEST MARKET OPERATING - **BOWLING GREEN, KY**
  - **51** OPERATING TV STATIONS
    - **348** CHANNELS AIRING
    - **31** BROADCAST NETWORKS
  - **13** NETWORKS COMING SOON
    - FULL IP INFRASTRUCTURE
    - **ATSC 3.0 READY**
-



# NETWORK PROGRAMMING

## ETHNIC



24/7 Spanish News  
& Entertainment  
Current Markets: 10  
Markets Planned: 24



African-American  
Entertainment  
Current Markets: 4  
Markets Planned: 7



24/7 Spanish News  
& Entertainment  
Current Markets: 5  
Markets Planned: 6



Hmong News,  
Entertainment &  
Culture  
Current Markets: 1  
Markets Planned: 1



24/7 Spanish News  
& Entertainment  
Current Markets: 6  
Markets Planned: 6



Spanish Music &  
Local Events  
Current Markets: 2  
Markets Planned: 10



24/7 Spanish News  
& Entertainment  
Current Markets: 1  
Markets Planned: 1



South-Asian News,  
Entertainment &  
Culture  
Current Markets: 0  
Markets Planned: 4



African-American  
Entertainment  
Current Markets: 0  
Markets Planned: 10

## NEWS, WEATHER, SPORTS, MUSIC



24/7 News &  
Information  
Current Markets: 10  
Markets Planned: 24



24/7 Weather in  
English & Spanish  
Current Markets: 11  
Markets Planned: 30



24/7 Broadcast  
Sports  
Current Markets: 18  
Markets Planned: 43



Country Music  
Videos  
Current Markets: 23  
Markets Planned: 32



Business News  
Current Markets: 5  
Markets Planned: TBD

## FAMILY, FAITH, WELLNESS



Family Based  
Programming  
Current Markets: 11  
Markets Planned: 17



Faith Based  
Programming  
Current Markets: 22  
Markets Planned: 40



Family & Faith  
Programming  
Current Markets: 0  
Markets Planned: 10



Health & Wellness  
Launching 2017



# NETWORK PROGRAMMING

## GENERAL ENTERTAINMENT



Classic TV  
Programming  
Current Markets: 3  
Markets Planned: 3



Classic Game  
Shows  
Current Markets: 23  
Markets Planned: 31



Action &  
Adventure  
Current Markets: 0  
Markets Planned: 10



Science Fiction  
Current Markets: 9  
Markets Planned: 15



Classic TV  
Programming  
Current Markets: 15  
Markets Planned: 23



Classic TV,  
Historical News,  
Documentaries  
Current Markets: 9  
Markets Planned: 23



Women 25-54  
Demographic  
Programming  
Current Markets: 6  
Markets Planned: 10



Classic TV  
Programming  
Current Markets: 15  
Markets Planned: 27



Men 25-54  
Demographic  
Programming  
Current Markets: 6  
Markets Planned: 8



Classic Westerns,  
Crime & Sci-Fi  
Current Markets: 6  
Markets Planned: 19



True Crime,  
Investigation &  
Forensic Science  
Current Markets: 0  
Markets Planned: 6



Comedy Based  
Programming  
Current Markets: 6  
Markets Planned: 10



Feature Films  
Current Markets: 8  
Markets Planned: 19



Popular TV Series  
Repeats  
Current Markets: 5  
Markets Planned: 5



American  
Automotive  
Current Markets: 0  
Markets Planned: 8



Internet Based  
Millennial  
Programming  
Current Markets: 0  
Markets Planned: 16



Men 18-24  
Demographic  
Programming  
Current Markets: 14  
Markets Planned: 23

## HOME SHOPPING



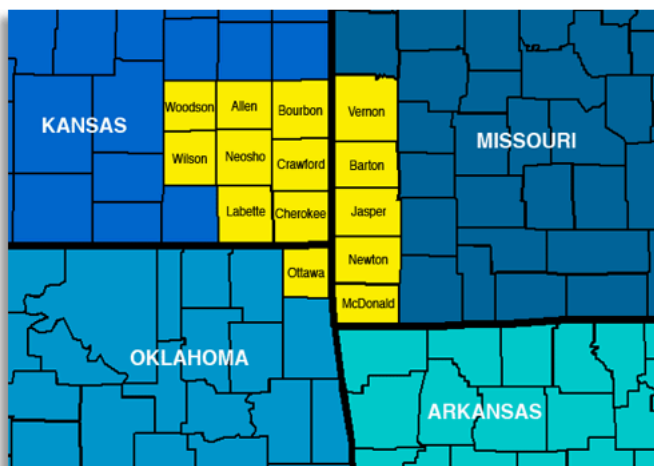




## MARKET PROFILE

### JOPLIN-PITTSBURG

OVER THE AIR HOUSEHOLDS - 20.4%



DMA RANK - 151

CALL LETTERS - KPJO-LD

CHANNEL - 49

#### • PROGRAMMING

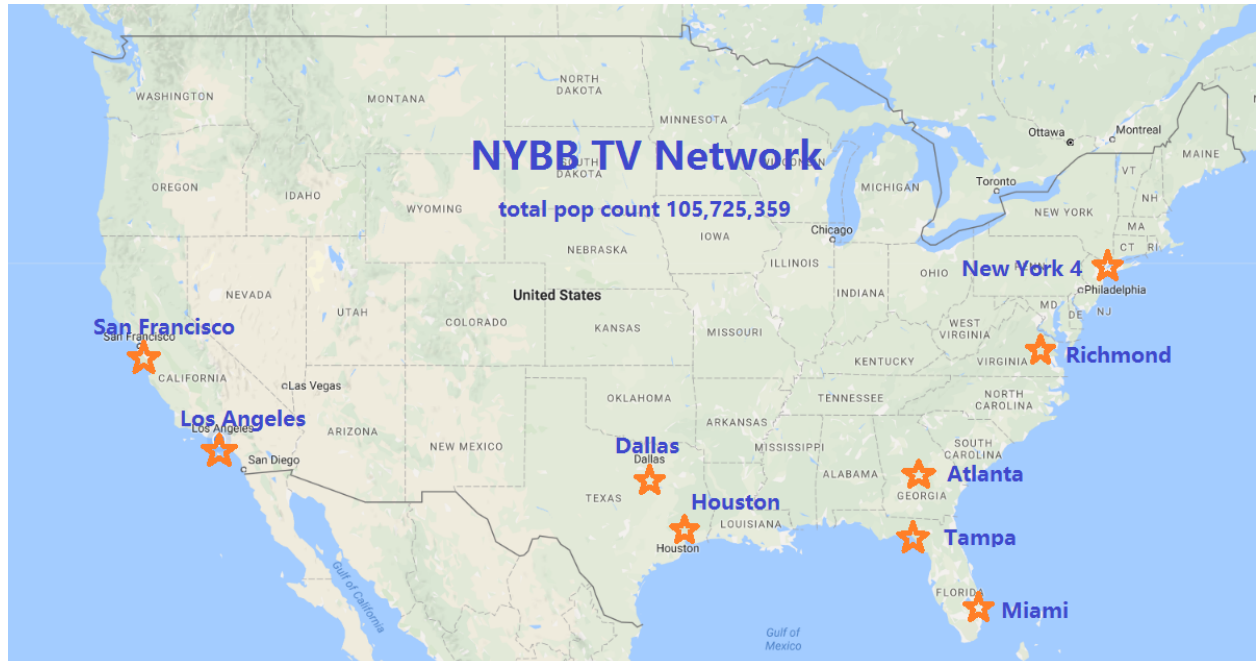
- 49.1 - MY NETWORK TV/ANTENNA TV
- 49.2 - GETTV
- 49.3 - SONLIFE
- 49.4 - BUZZR
- 49.5 - THE COUNTRY NETWORK
- 49.6 - SHOP LC
- 49.7 - COMING SOON
- 49.8 - COMING SOON

#### • THE FUTURE

- LAUNCH SECOND STATION KIAP-LD CHANNEL 38
- MORE PROGRAMMING AND BROADBAND SERVICES THROUGH ATSC 3.0

# NEW YORK BROADBAND LLC

PRESENTATION TO FCC CHAIRMAN PAI  
MARCH 28, 2017



**12 LPTV STATIONS**  
**9 in Top 10 Markets**  
**(11 in Top 20 Markets)**

**OVER 100 MILLIION TOTAL TV POPS**

**\*\*Delivering Affordable Access to Minority Programmers\*\***



**March 2017**

1. **NYBB's Technology and Objectives:** New York Broadband LLC ("NYBB")<sup>1</sup> was created for the purpose of introducing an advanced mobile multimedia broadcasting technology called CMMB (jointly developed by technologists from China and the US) into the United States – bringing greater throughput capacity, faster speeds, greater service diversity, and lower cost with ubiquitous coverage for both video and data mobile applications.
2. The CMMB technology and its subsequent upgrades are tailored to deliver mass-market media and data services to mobile and vehicle devices with universal and low-cost access - service that cannot be efficiently and adequately accommodated by conventional cellular network such as 3G/LTE due to their unicasting limitation, bandwidth constraint, coverage restriction and the high cost of the data throughput.
3. The technical name of the CMMB technology is sTiMi (Satellite-Terrestrial Interactive Mobile Infrastructure). Its chief architect was Dr Hui Liu, a naturalized US citizen born in China whose principal residence is in Seattle Washington. Dr. Liu received his Ph.D from the University of Texas. He is a tenured professor at the University of Washington. He is an IEEE Fellow, a member of the National Academy of Science, and the principal inventor of WiMax and LTE. Currently he is the CTO of NYBB as well as of our partner company, CMMB Vision Holdings, a public company listed on the Hong Kong stock exchange.
4. The first generation of CMMB was launched in China during the 2008 Beijing Olympics via a terrestrial UHF network, with the satellite component slated for later days.
5. Today the system architecture, technology and ecosystem have advanced considerably. We are in our third generation technology called NGB-W/S. NGB-W/S unifies satellite mobile digital

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<sup>1</sup> Eighty percent of the equity of NYBB is owned by US citizens.

broadcasting with terrestrial 4G/LTE cellular services as well as ground UHF network to enable holistic data distribution. As compared to CMMB, NGB-W/S has a higher bit rate, greater network capacity, a more flexible network configuration and the strategic ability to converge cellular, WiFi and satellite networks seamlessly. Consumers can receive massive amounts of multimedia and big-data download from satellite broadcasting that is integrated with terrestrial Internet interactivity to enjoy unprecedented mobile entertainment and telematics experience.

6. NYBB owns two L-band BSS satellites (AsiaStar and AfriStar). Together these satellites serve East Asia (China, India and South East Asia), the Middle East, Africa and Southern Europe covering almost 6 billion people (70% of the world's population (see the Satellite Coverage Map in Exhibit 2). In China, CMMB Vision's joint venture operations are utilizing the AsiaStar satellite to deliver mobile multimedia services, first targeting connected-cars, and then extending to mobile consumers. CMMB Vision recently presented a major exhibition at the CCBN convention in Beijing to showcase its products and applications with a wide-ranging ecosystem partners. The joint venture expects to launch commercial services in 2018.
7. Here in the US, NYBB has long been working with CMMB Vision to import the technologies into the US. The goal has been to develop a commercial service that will help solve the mobile bottleneck and be part of the National Broadband Plan. We have conducted technical trials in Richmond and New York, using NYBB's LPTV network. We hired the former CTO of the FCC and NTIA Doug Sicker as our advisor. We also participated in the deliberations of the ATSC 3.0 committee contributing our knowhow by spearheading various technical subcommittees. NYBB also facilitated the active participation in those meetings by PRC-based engineering experts on CMMB.
8. We hope to harmonize the standard of ATSC 3.0 with that of China so as to share the same ecosystem and bring expedient economies of scale for the benefit of the consumers. We firmly believe what is adopted by the Chinese and the US together will become global.
9. Going forward, we will continue to utilize our LPTV stations (see below) to conduct experiments and demonstrations in the US. We intend to expand our partnerships with additional media, broadcast, wireless and satellite operators. We also hope to engage with the Commission to enable our technology to become a standard qualified



for flexible use under FCC rule. With the coming commercialization of our convergent technology, we hope to explore the possibility of partnering with US operators to bring the technology into the US for service, and combine with the synergies of US partners to go global. We would be happy to host a visit by the Commission to Hong Kong and China to see our development.

10. **Introduction of CMMB in the United States.** As the initial step in the promotion of the benefits of CMMB in the US, NYBB formed a licensing subsidiary, New York Spectrum Holdings (“NYSH”). In 2011 NYSH purchased four LPTV stations in New York City and one of the twelve statutorily authorized Digital Data Service flex use stations in Richmond Virginia. Two years later NYBB’s subsidiary purchased seven more LPTV stations in the top twenty US TV markets, most of them in the top ten. These 12 stations cover more than 105 Million people, about 1/3 of the total US population.
11. The purchase of the Richmond DDSA station gave NYBB the flexibility to experiment with the advanced modulation technology of CMMB as the twelve authorized DDSA station were not required to use ATSC 1.0. The four LPTV stations in New York City gave NYBB the ability to test CMMB in the most challenging propagation environment in the US.
12. In the subsequent years, NYBB conducted a number of experimental and demonstration tests of the advantages of CMMB. These were conducted first as a single cell outside of Denver in conjunction with a US wireless carrier using its frequencies; then over the Richmond DDSA station; and later in New York City.<sup>2</sup>
13. **NYSH’s LPTV Stations – Unique Community Services:** While NYBB is working on the introduction of new technologies in the US, the NYSH stations are performing a unique public service by providing a haven for broadcast programmers who cannot afford access to other distribution media.
14. For instance, NYSH’s New York and LA stations carry programming produced in and focused on the history and current events within mainland China. The New York City stations carry Chinese programming in Mandarin, Spanish and English making Chinese

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<sup>2</sup> Experimental operations in New York were conducted pursuant to an experimental license, File No. BPEXLD-20130313ADO, granted June 20, 2013.

programming available to several hundred thousand Chinese nationals without a subscription charge. The NYSH station in Miami (WTXI-LD) carries two programs by two newly-arrived immigrant groups from Haiti along with a Hip Hop music channel focused on 18-34 year olds; a Christian channel for those who cannot attend church<sup>3</sup> and others. WTXI's rate card is between 1/3 and 1/2 of the comparable rates of higher power stations in Miami. These programmers could not afford to buy time on any Full Power or Class A stations in Miami much less be able to buy time on the local cable systems.

15. The Miami station is a poster child for the steps that LPTV stations must take to cope with the financial handicaps with which the industry has always been burdened due to the lack of "must carry" cable carriage, network affiliations and less coverage and the constant threat of having their audience shrink due to unanticipated poaching on their coverage from High Power and Class A stations. WTXI, for example, has only one person on duty, who is a true Jack-of-all trades – its resident engineer, station manager, marketing and sales manager and who, in addition, has to find the time to produce his own Hip Hop channel.

## **Exhibit 1. Fact Sheet on NYBB**

- **Structure & Ownership**
  - New York Spectrum Holding Company LLC ("NYSH") is the licensee of 12 LPTV Stations - 11 serving major markets
    - 9 stations in top 10 markets, 11 in the top 20 markets
    - 4 in NYC, 1 each in Los Angeles, San Francisco, Houston, Dallas, Atlanta, Miami and Tampa
    - + Richmond, VA, a Digital Data Service Station with maximum flex use
    - **COVERS MORE THAN 105 MILLION POPS**
  - NYSHC is a wholly-owned subsidiary of New York Broadband LLC ("NYBB")
    - NYBB is the operating and marketing company

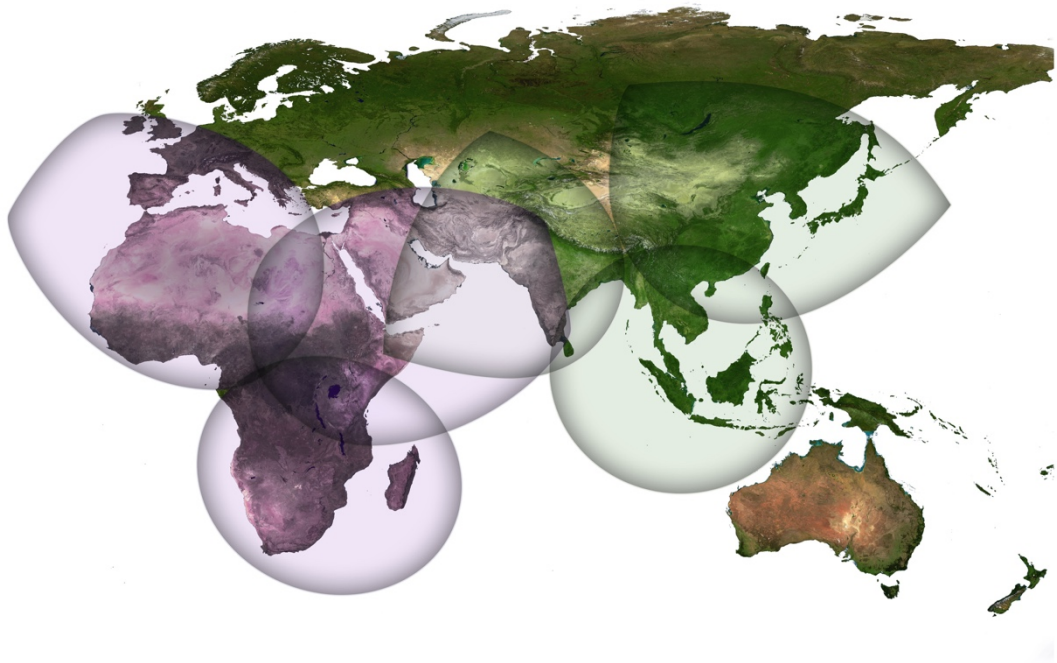
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<sup>3</sup> See <http://www.urbantelevision.net/info>.

- 80% of the equity in NYBB is owned by US citizens; 20% indirectly by Charles Wong, a citizen of Hong Kong educated in the US
- Mr. Wong controls a public company in HK (CMMB Vision Holdings Ltd a/k/a “CMMB Vision”) and a private equity investment company
- We use the term the Group to refer (i) to NYBB and its US licensing subsidiary (NYSH) and (ii) to the Hong Kong-based companies affiliated with CMMB Vision and Mr. Wong.
- **Developments in China**
  - China Multimedia Mobile Broadcasting (“CMMB”)
    - Developed by CMMB Vision’s Vice Chairman and CTO Dr. Hui Liu, a US citizen, primary residence in Seattle, WA. Dr. Liu is a 20% owner of NYBB.
    - Introduced in Beijing 2008 Olympics
    - Adopted as China’s national mobile TV standard
    - CMMB Vision owns core patents
    - Uses COFDM technology which is the same technology used by the new US standard ATSC 3.0
- **Experimental/Demonstration Tests in US**
  - Richmond VA and New York City
    - Verified that the CMMB signal complies with the FCC emission requirements
    - Measured coverage indoor and outdoor for mobile reception and demonstrated TV service in car with various type of handsets.
    - Explored the possible locations for additional transmitter sites for a single frequency network (SFN)
  - Lab tests show CMMB system had the same interference performance as the current ATSC 1.0 Digital TV system. The CMMB system can co-exist with the ATSC 1.0 system during a future system repacking scheme
  - Both CMMB and ATSC 3.0 are using COFDM as core technology. All our experience with CMMB is applicable to ATSC 3.0.
- **Active Participation in ATSC. 3.0 Committee**
  - The Group led a joint force including research institutions and enterprise to participate in the ATSC 3.0 committee
  - The Group made a full system proposal based on Next Generation Broadcast Wireless (“NGB-W”) which is the counterpart TV standard in China

- The Group is seeking to harmonize the standards of the two most economically powerful countries in the world (US and China) and work toward a global broadcast standard
- The Group shared its experience with CMMB and NGB-W in China with the ATSC attendees in the US.
- A portion of the Group's proposal was adopted in the final ATSC 3.0 standard.
- **Demonstration Tests of NGB-W/S in China**
  - The Group is testing the convergence of NGB-W (terrestrial broadcast), NGB-S (satellite) and 4G network in China. It's a holistic mobile multimedia standard tailored to next-generation digital media delivery.
  - The Group plans to launch satellite, terrestrial and 4G integrated connected-car multimedia services in China in the near future starting with a trial in 2017 and commercial offering in 2017 and then to expand this service throughout Asia and Africa.
  - NYSH, the sub of NYBB, owns two satellites (AsiaStar and AfriStar) whose broadcasts cover over 70% of the world from China, India, Pakistan and South East Asia to the Middle East, Africa and Southern Europe.
- **Plan to test in US with view toward future convergence with satellite enhanced ATSC 3.0**
  - The Group is engaged in discussions with potential US partners for similar development in the US that would align NGB-W&S with ATSC 3.0.
  - The goal is to combine terrestrial ATSC 3.0 with satellite and 4G enhancements for mobile as well as fixed services to the US and the rest of North America

**Exhibit 2. Map of Satellite Coverage of NYBB's  
Communication Satellites**



## **Ex Parte Comments for FCC Chairman Ajit Pai Meeting by Edge Spectrum, Inc.**

March 28, 2017

The principals of Edge Spectrum, Inc. (“ESI”) have been at the forefront of the wireless revolution that has transformed the US economy in virtually every domain. We have been actively trying to transform the broadcast industry into new broadband IP centric modes of operation and the consumer relevant services that are most efficiently provided by broadcast, (and now IP multicast) networks with the advent of ATSC 3.0 technology.

Unfortunately, for the public and the long suffering LPTV licensees, the eight years of public policy debate, and the glacial pace of its final implementation, this period of regulatory uncertainty denied licensees access to the capital markets and essentially stopped the deployment of innovative new services that are in the public interest. The VIA process punished innovation, and removed all incentive for broadcasters to look beyond short term spectrum arbitrage opportunities created by the VIA. LPTV licenses were not included in the VIA process other than being subjected to the by-products of the ultimate channel repack at their own expense.

Prior to this unfortunate period of debate and rancor, it had been universally understood in the broadcast industry that LPTV licensees were secondary ONLY to Full Power TV broadcasters. They were protected from all other potential interfering signals, and then, without rulemaking or public comment cycle, LPTV licensee’s most crucial right was unceremoniously stripped away in the darkness of silence. In essence, the Media Bureau term “Secondary Rights” as historically applied meant that LPTV was “secondary” only to full power TV licensees. Unfortunately, in the public policy debate this term was inappropriately conflated with the Wireless Bureau’s version of the term “secondary,” where it means tertiary or essentially no rights at all. We have growing confidence that this unfortunate period is now behind us. The licensed LPTV broadcasters are perfectly positioned to be an innovation engine for next generation wireless broadband services primarily in the most underserved markets. LPTV licensees have pre-existing authority to provide ancillary data broadcasting services, which also generates a 5% gross revenue share to the FCC. The Commission has a unique opportunity to leverage these capabilities of the LPTV industry to quickly solve many of the broadband scarcity challenges facing the US public. There are a number of specific actions that are within the power of the FCC to both protect the unique potential inherent in the LPTV market.

ESI has been at the forefront of transforming the broadcast industry, and is committed to bringing the public new innovative services at unrepresented levels of efficiency, performance and economic benefit to the public.



There are several specific actions the FCC could take to both redress recent failures by the FCC to recognize the value and unique role that the LPTV industry can play in solving some of the nation's most pressing market and broadband service delivery challenges. ESI requests the FCC consider the following suggestions:

1. **PERMANENT STATUS**: No LPTV or Translator that survives the VIA created displacement process should ever be forced to live through it again. LPTV broadcasters have faced numerous repacks, regulatory discrimination and financial disruptions over the years due to the unchecked desires of the major wireless operators. Permanency requires new regulations be adopted to provide stability to LPTV broadcasters and for licensees to secure the investments needed to be able to participate in the new world of ATSC3.0.
2. **DISPLACEMENT FLEXIBILITY**: LPTV licensees forced to displace should be authorized to find the next best equivalent empty channel within an expanded search area of 250 miles, as recently authorized by the FCC for other "secondary" services such as LPFM licensees.
3. **REPLICATION OF SPECTRUM USAGE RIGHTS**: If the channel to which the LPTV licensee is displaced has diminished population coverage, they should be permitted to replicate the spectrum usage rights from which they were displaced. Pop counts are the most basic unit by which spectrum usage rights are measured and monetized. A displaced broadcaster should be granted additional LPTV licenses in other locations around the country to secure the equivalent population covered under the broadcaster's former license. This is the only true measure to avoid diminishing spectrum usage rights. Displacement priorities should be determined by pre-auction pop count measurements under existing 51dB contours.
4. **EXTENSION OF 365 DAY SILENT STA TERMS**: If due to the auction/repack, uncertainty exists about LPTV or Translator channel assignments, signal coverage, interference issues, available tower locations, manufacturing delays, service provider instability, or other factors beyond the control of a licensee, additional time should be granted for a broadcaster to be authorized to voluntarily remain off-the-air, operate at reduced power, or serve a temporarily altered contour without the permanent loss of spectrum usage rights or displacement priority. Every licensee's "place in line" should be protected. Remaining voluntarily silent beyond 365 days due to the chaos caused by the VIA displacement process should not cause the loss of a license.

5. **CP'S GRANTED ON TOP OF LICENSES SHOULD NOT EXPIRE.** WE COULDN'T BE EXPECTED TO DOUBLE BUILD: There is no reason these pre-existing approvals should be dismissed.
  
6. **DIGITAL CONSTRUCTION PERMIT HOLDERS SHOULD NOT BE PUSHED INTO A THIRD DISPLACEMENT WINDOW:** It is the fault of the FCC's VIA process that most CP's have not been constructed. Don't penalize CP holders who haven't been able to build by bumping them out of line when it is time to file for displacements. Most of these CP's would have already been built and licensed if it was known on which channels they'd survive, what signal patterns would avoid creating interference, and at which locations they could function post repack. The FCC created this chaos by opening a filing window to extend LPTV services into markets beyond the top 100, and then not protecting LPTV licensees. The CPs granted in the application window were in many cases the only wide area coverage ever created for the extension of broadcasting into rural market coverage.

Submitted by:

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Chairman and CEO  
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# Cocola Broadcasting Companies, LLC

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KVHF • 4  
Fresno, CA

KFAZ • 8  
Porterville, CA

KAGP • 8  
Santa Maria, CA

KCWB • 13  
Fresno, CA

KHSC • 16  
Fresno, CA

KKIC • 16  
Boise, ID

KJKZ • 27  
Fresno, CA

KBID • 31  
Fresno, CA

KJEO • 32  
Fresno, CA

KSTV • 32  
Sacramento, CA

KBSE • 33  
Boise, ID

KSDI • 33  
Fresno, CA

KVPT-LP • 34  
Bakersfield, CA

KMCF • 35  
Visalia, CA

KBFK • 36  
Bakersfield, CA

KNXT-LP • 38  
Bakersfield, CA

KMSG • 39  
Fresno, CA

KWSM • 40  
Santa Maria, CA

KBTI • 41  
Boise, ID

KGMC • 43  
Fresno, CA

KIWB 43  
Boise, ID

KGMC-DT • 44  
Fresno, CA

KSAO • 49  
Sacramento, CA

KZAK • 49  
Boise, ID

KCBB • 51  
Boise, ID

KWVG • 54  
Porterville, CA

Chairman Pai, my name is Gary Cocola and I'm the Founder, President and CEO of Cocola Broadcasting Companies, LLC. I appreciate the opportunity to talk to you today about the State of Cocola Broadcasting Companies and our Industry.

I've been in the broadcast television business for some 40 years and launched my first low-power television Station in Fresno, California in 1989.

Today, Cocola Broadcasting Companies owns and operates 2 full-power Stations one in Fresno California and the other in Boise, Idaho and 23 low-power Stations, including 1 Class-A Station.

Our Stations are located in 6 DMAs in California and Boise Idaho and we broadcast over 80 digital streams of programming to over 8 million people, 25% of which are Spanish-language or multicultural.

Our full-power station and our Class-A Station in Fresno were auction eligible with opening prices set at \$183m, for the full power and \$112m for the Class A low power however neither of these Stations were sold at auction which was disappointing.

With regards to the repack, our two full-power Stations have been given new channel assignments and 9 of our low-power stations will be displaced with 13 more facing possible displacement depending on the FCC's final repack plans in our markets.

So, we have some difficult decisions ahead as we anticipate that our displacement costs will exceed \$1m dollars.

The FCC can help us by opening a new Class A window for our low-power stations and grant must-carry rights to our existing Class-A station so we can continue to serve the public interest.

I thank you for your time today and greatly appreciate your consideration.



**THE MEDIA CENTER**  
FOR ART, EDUCATION AND TECHNOLOGY  
*A Department of the Monterey County Office of Education*



March 7, 2017

Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Dear Sirs,

The Monterey County Office of Education currently has a very robust Arts, Media and Entertainment Career Technical Education Program operating for over 500 students in our region. The "CORE" for our program is our low power television station currently operating on LPTV Channel 38 in our area. We also provide programming for our local public access, educational and government stations. We train, certify and place young students in paying jobs in commercial and non-commercial Television/Media business in our county. We also send students off to college to further develop their Arts, Media and Entertainment talents.

We currently have nine area high schools producing programming featuring documentaries, school news, videos, live sports and much more. We hope to have all Monterey County middle and high schools participating in the 2018/19 school year.

The Federal Communication Commission 15 years ago had the Monterey County Office of Education move its channel from Channel 55 to Channel 38. We sublet to another user for several years while we were putting together our Student Television Network. We have an excellent transmission location and even in this day of streaming video we seem to have a substantial county wide viewership. Many viewers have thanked us for our over the air educational and student broadcasts. Three years ago we had to purchase, at great expense for an educational agency, a new transmitter. We feel that the expense was certainly worth this investment with so many of our students involved in the program. In fact, our site including our LPTV Channel 38 was declared by the State Superintendent of Schools as one of "Eight best Arts, Media and Entertainment sites in the State."

We feel that we have done what was expected of us by training our students in how to deliver thoughtful and entertaining media content to our viewers. We are a very unique program and we appeal to the FCC to help us find a new home on the LPTV "Dial" with a minimum of additional cost to our local tax payers. Thank you so much for addressing our appeal.

Respectfully,

Hamish Tyler  
Producer/Director  
Media Center for Art, Education and Technology  
Salinas, CA 93901  
Office: (831) 784-4192

**Major Market Broadcasting, Inc.**  
**Diya TV – San Francisco, Los Angeles, Chicago, Dallas, Houston, Atlanta,**  
**Hartford, Columbus, Fresno, Providence, Springfield**  
**WRJK-LD Chicago**  
**KRDK-TV Fargo**

2118 Walsh Avenue, Suite 208  
Santa Clara, CA 95050  
415.886.7284

March 28, 2017

Chairman Ajit Pai  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

Dear Chairman Pai,

As you are well aware, the incentive auction has reshaped broadcast television forever. And while the final impact of the auction is still being determined, an objective forecast at this time makes clear the auction will have catastrophic effects on women and minority ownership in television.

Low power television, particularly in major markets, will never be the same. LPTV service was created to diversify ownership and programming and has succeeded in spades. In fact, it's something the FCC should be boasting about. Instead, the impending loss of these stations will be mourned about in communities around the nation.

I speak about this topic with first-hand knowledge as I have primarily used Class A and LPTV licenses to disseminate news and information to communities of color from the time of the digital television transition.

As a broadcast journalist, I witnessed the utter lack of diversity in newsrooms I worked in, particularly at the management level. Unfortunately, change in established businesses like television rarely comes from the bottom up. It comes from the top down.

Seeing an opportunity on the horizon thanks to the DTV transition, my family and I were able to purchase into a Class A television station in San Jose, and in a matter of months, created America's most diverse television station. We broadcast on just one license 12 separate video streams of programming for communities that had never been targeted before in the multiethnic San Francisco Bay Area.

Our technological innovation led to widespread praise from community leaders, nomination as 2010 Television Station of the Year by *Broadcast Engineering*, an Emmy award for our



African-American focused newsmagazine program and emulation by large television stations and small, all of whom began to maximize their 6-megahertz of spectrum allocated by the FCC.

Things were looking bright for a station that was effectively a failure until the transition from analog to digital. But then the auction was announced. And the fate of this station and scores like it serving minority communities in major markets was doomed.

This auction -- that both major political parties and your predecessors at the commission boast about publicly -- led directly to the arbitraging of television stations that were set aside for the public good. In a matter of months, hedge funds swooped in and plucked off television stations in New York, Los Angeles, Chicago, San Francisco, Houston, Seattle, San Diego, among other cities that were either owned by minorities or offered extensive programming for minority and religious groups.

As someone that's in business, I do understand the way of the world -- the free market principals involved and the argument that repurposing spectrum in the manner advocated by the auction is the highest and best use.

But the impact this auction will have on the Vietnamese, Chinese, Hispanic, Indian, Korean and Filipino communities in particular will be stunning in the weeks and months ahead. Los Angeles, for certain, is going to be impacted in a very serious way and no one is prepared for the fallout.

As FCC chair, you are in a unique position to use your bully pulpit to advocate for solutions no one has had the temerity to implement previously. Free over-the-air digital television has enabled licensees like me to empower communities like never before.

The little television station in San Jose no one wanted a decade ago now receives political advertising from folks running for mayor, state office and Congress -- advertising that's disseminated in Vietnamese no less!

Chairman Pai, I implore you to do your level best to ensure displaced television stations, especially in major markets, find a new home that will enable their television services continue.

Most of these stations are unlikely to ever receive cable carriage and the viewers affected are folks that do not receive in-language local news, information and entertainment from any other source.

This calamity can still potentially be avoided, but the time is now. You are our last hope. Please don't hesitate to reach out to me if I can be of assistance. I've been vocal about this topic for years now and have enclosed some press clippings for additional context.

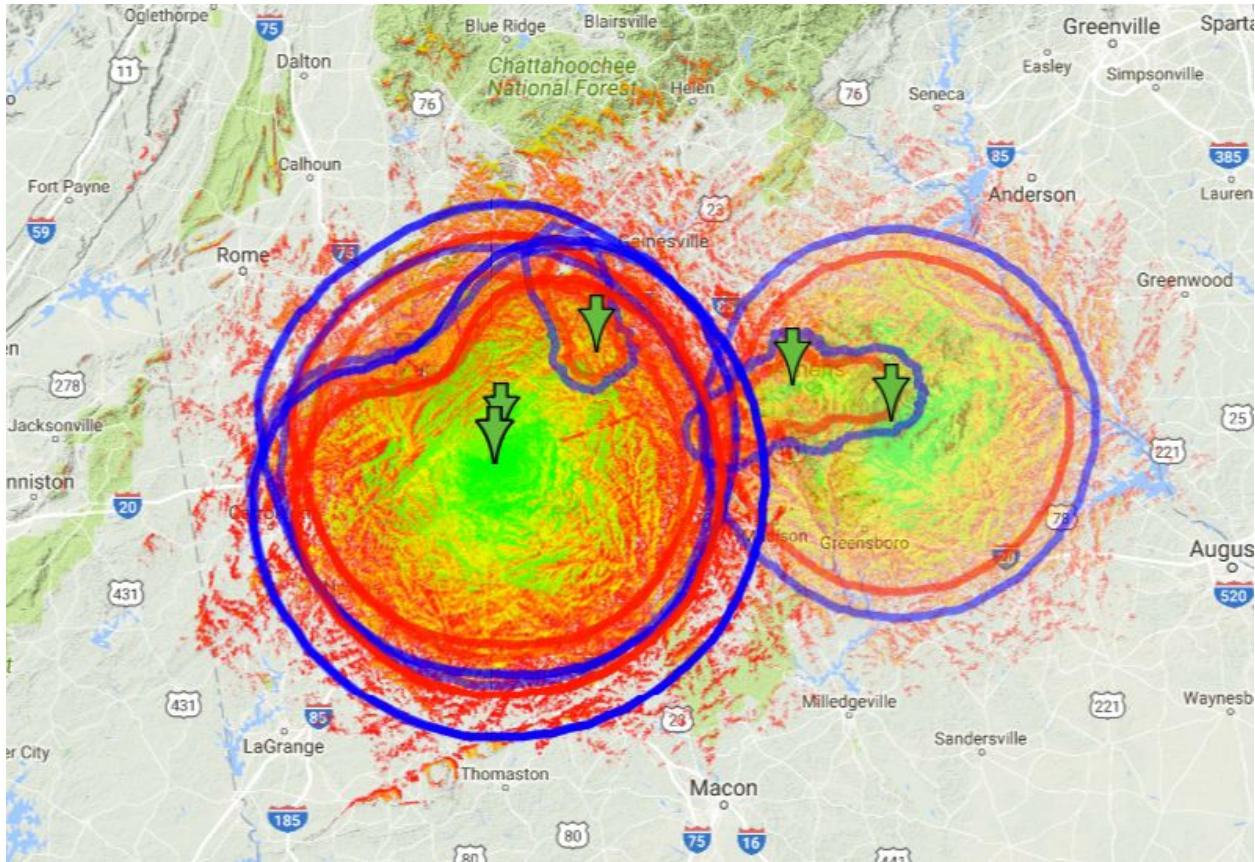
Best regards,

Ravi Kapur



# ATLANTA, GA

## LPTV SUPER CLUSTER



**8 Stations & New Permits**  
**48 MHz of spectrum**  
**30 TV content streams**  
**10 AM/FM radio streams on TV**  
**Including a channel 6 LPTV radio station**  
**46 Million TV Pops**

**Dr. Vince Castelli**

Prism TV, Vinions, LLC, DTV Innovators, & DNV Spectrum Holdings  
Atlanta, GA - Las Vegas NV, Reno, NV, Chico, CA



**WatchTV Incorporated**  
855 Harbor Court  
Southlake, TX 76092

T 503.819.0500

[watchtvinc@mac.com](mailto:watchtvinc@mac.com)

The Honorable Ajti Pai  
Chairman, Federal Communications Commission

Dear Mr. Chairman,

We are most appreciative of the opportunity to meet with you and your staff to discuss the future and potential of the LPTV industry. Your long-standing support for our often under recognized and beleaguered spectrum based businesses, gives us hope for a brighter and more productive future, under your leadership.

### **WatchTV Incorporated Overview**

#### **A History of Innovation**

Pioneered simulcasting LPTV stations to composite full power coverage.

First foreign language television broadcaster in the state of Oregon.

One of the first licensed Class A broadcasters the country.

One of the first licensed 150 kW Analog LPTV stations in the country.

Innovator in the deployment of the television central casting model.

One of the first licensed Digital Class A/LPTV broadcasters in the country.

Only experimental license for Cellular Terrestrial Broadcasting.

Pioneered the corridor filing strategy to extend broadcasting mobility and fixed/mobile data services for rural America.

Early deployment of ATSC M/H services for testing and viability assessment.

#### **Auction Participation and Results**

Offered early support for and embraced the potential of the Voluntary Incentive Auction to achieve FCC aspirations for repurposing broadcast spectrum.

Assisted Congress in adopting language to allow flexible use of broadcast spectrum, post auction, in lieu of accepting relocation funds.

Allowed several licenses to be included in the Auction process.

All included licenses were determined to be either *not needed*, or were offered bids so low, as to be well below the current investment in their operation.

Ultimately, the Voluntary Incentive Auction served only to confound our business activities, create rampant uncertainty in the industry and needlessly stymied all of our attempts to continue our history of innovation and achievement.

#### **Portland, OR**

KOXO-CD 41  
KKEI-CD 38  
KORK-CD 35  
KOXI-CD 20  
KORS-CD 16

#### **Eugene, OR**

KORY-CD 15  
K41PJ-LD

#### **Bend, OR**

KABH-CD 17  
K16KI-LD

#### **Grants Pass**

K20DY-LD

#### **Roseburg, OR**

K25FG-LD

#### **Redmond/Prineville, OR**

K25GA-LD

#### **Astoria, OR**

K28FP-LD

#### **Medford, OR**

K28GG-LD

#### **Klamath Falls, OR**

K39DP

#### **Ashland, OR**

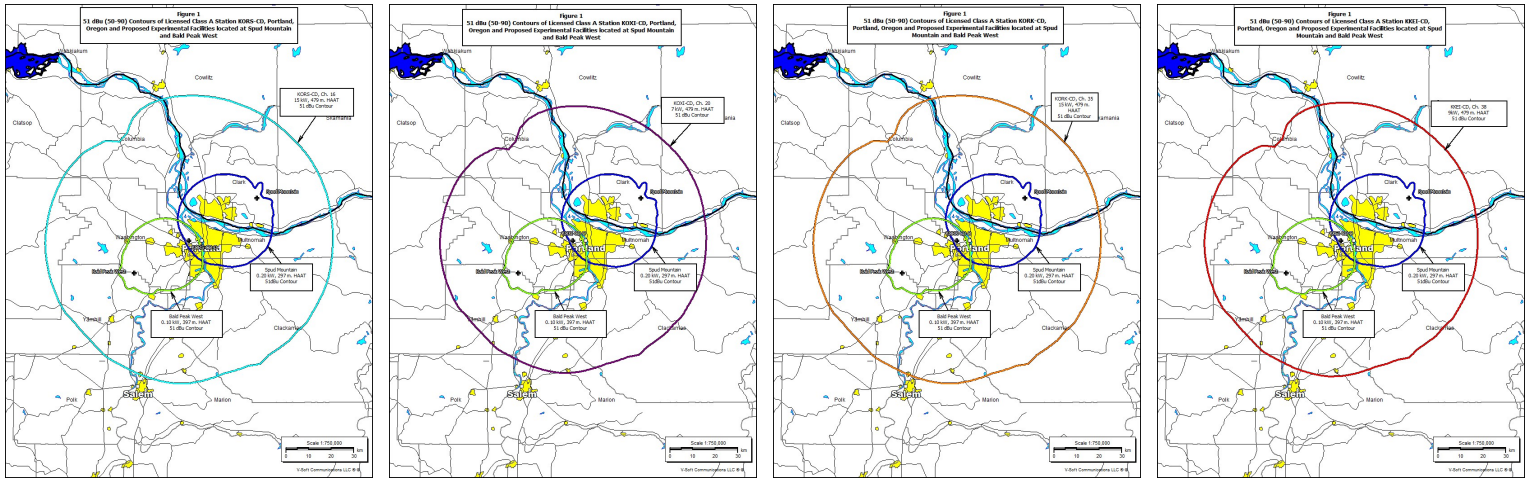
K39EF-LD

#### **Coos Bay, OR**

K49DM-LD

## Current Initiatives

Experimental license for the first Multi-frequency Distributed Transmission testing of ATSC 3.0, utilizing four Class A stations.



Leading proponent of Flexible Use rights for Class A and LPTV spectrum through our ongoing support of the LPTV Spectrum Rights Coalition and our advocacy organization, SpectrumEvolution.Org.



As has been the case for decades, Class A and LPTV operators have led the way in innovation and new business models to best utilize the spectrum with which we have been entrusted. However, in order for LPTV spectrum to fully realize its potential now, and in the future, the regulations under which we operate must be brought out of the darkness of industrial age policy and into the light of the wireless information age.

Our innate knowledge of the communities we serve, when coupled with with the opportunity to provision new, highly desirable and relevant service offerings in those communities, can easily help fill the pressing need for more and better internet connectivity in rural America and provide an essential and highly efficient means of delivering massive cost effective forward link data services to our entire country.

Thank you.

Sincerely,

Gregory J. Herman  
President & CEO  
WatchTV, Incorporated